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ABSTRACT

This report examines the potential impact of federal welfare legislation, Public Law 104-193, The Personal Responsiblity and Work Opportunity Reconciliation Act, on vulnerable families already in or at risk of entering the child welfare/child protection systems. The report includes an overview of the challenges states face; questions for state legislators, policymakers, and advocates to consider in developing and implementing their state welfare strategies; and a detailed analysis of the provisions of the federal law most likely to affect vulnerable children and families. Several areas of possible impact are discussed, including: (1) the loss of income or supports related to Temporary Assistance to Needy Families, resulting in an increase in the number of families unable to provide basic food and shelter for their children and causing neglect and homelessness; (2) increased stress on vulnerable families leading to abuse and other forms of maltreatment; (3) loss of Supplemental Security Income benefits for children with disabilities resulting in inability to maintain children at home; (4) decreased access to crisis intervention services for families in need; (5) new pressures on kinship foster care; (6) increased difficulty in meeting family reunification permanency goals; and (7) new pressure on youth aging out of the foster care system. A framework for analyzing the implications of 15 issues related to the new welfare law for child welfare/child protection systems is presented in a tabular format. (Contains 11 references.) (Author/KB)

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Children and Welfare Reform

Issue Brief 3

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The New Welfare Law and Vulnerable Families: Implications for Child Welfare/ Child Protection Systems

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Series Introduction

Recent federal welfare legislation, P.L. 104-193, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, can have a major impact on the health and development of young children living in poverty. Changes now being implemented in welfare policies and programs take many forms, but most of them have one thing in common—they are almost all driven by adult-focused goals. However, two-thirds of recipients of the former welfare program known as Aid to Families With Dependent Children (AFDC) were not adults—they were children, a reality likely to continue. While policymakers and program directors often recognize this fact, there is very little information available to them about how to protect children and enhance their growth and development within the context of welfare changes.

A growing body of research points to an emerging consensus that successful policies for families must take into account the needs of children when addressing the needs of parents, and the needs of parents when addressing the needs of children. Welfare reform has the potential to help or hurt children in three major ways: (1) by changing family income; (2) by changing the level of parental stress and/or parenting styles; and (3) by changing children's access to more comprehensive services that combine family support with child-focused services. Building on this framework, the National Center for Children in Poverty (NCCP) is developing a series of issue briefs on children and welfare reform to help policymakers, community leaders, and advocates use the opportunities afforded by welfare reform in ways that are most likely to benefit both children and adults.

This issue brief examines the potential impact of P.L. 104-193 on vulnerable families already in or at risk of entering the child welfare/child protection systems. It includes an overview of the challenges states face, questions for state legislators, policymakers, and advocates to consider in developing and implementing their state welfare strategies, and a detailed analysis of the provisions of the federal law most likely to affect vulnerable children and families. It is based on NCCP's analysis as well as a special meeting that NCCP convened with state and community policymakers, researchers, and advocates.

The issue briefs are part of a larger Leadership Network on Children and Welfare Reform supported by grants from the Annie E. Casey Foundation and the Foundation for Child Development. NCCP takes responsibility for the facts and opinions presented in this issue brief. For further information on other issue briefs and related NCCP publications, see the last page of this document.

NATIONAL CENTER FOR CHILDREN IN POVERTY (NCCP) was established in 1989 at the School of Public Health, Columbia University, with core support from the Ford Foundation and the Carnegie Corporation of New York. The Center's mission is to identify and promote strategies that reduce the number of young children living in poverty in the United States, and that improve the life chances of the millions of children under age six who are growing up poor.

The Center:

- Alerts the public to demographic statistics about child poverty and to the scientific research on the serious impact of poverty on young children, their families, and their communities.
- Designs and conducts field-based studies to identify programs, policies, and practices that work best for young children and their families living in poverty.
- Disseminates information about early childhood care and education, child health, and family and community support to government officials, private organizations, and child advocates, and provides a state and local perspective on relevant national issues.
- Brings together public and private groups to assess the efficacy of current and potential strategies to lower the young child poverty rate and to improve the well-being of young children in poverty, their families, and their communities.
- Challenges policymakers and opinion leaders to help ameliorate the adverse consequences of poverty on young children.

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The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) creates a block grant known as Temporary Assistance to Needy Families (TANF) to distribute funds to the states for certain needy families with children. TANF replaces the Aid for Families with Dependent Children (AFDC) entitlement program, as well as the Job Opportunities and Basic Skills (JOBS) and Emergency Assistance (EA) programs that were linked to AFDC. P.L. 104-193 also creates a series of new work requirements for adults, sanctions for failure to meet the work requirements, as well as limits on the length of time families can receive assistance. The new welfare law also changes the eligibility criteria for children with disabilities receiving Supplemental Security Income (SSI) benefits, modifies eligibility for the Food Stamp program, and denies legal immigrants access to welfare, food stamps, and SSI benefits. While many of the provisions are restrictive, the law also gives each state considerable discretion in developing and implementing its welfare plan.[1] For example, the National Governors Association reports that of the 40 states that submitted their TANF state plans as of February 20, 1997, 19 states indicate that they will have a family cap, which denies additional benefits to a child conceived while a family is on welfare, while 17 states report that they will not have a family cap. The remaining states either have not made a decision on the issue of family caps or did not address it in their state plans.[2]

The new welfare law may have significant impacts on state child welfare and child protection systems as well as individual vulnerable families.

Why worry about the impact of welfare reform on child welfare and child protection systems?

- The capacity within most state child welfare/child protection systems to absorb more children is limited.
- The Emergency Assistance program under AFDC has been eliminated as a separate program. In many states, these funds have supported crisis intervention and family preservation services, thus relieving some of the burden on child welfare.
- The longer term cost implications of more children entering the child welfare/child protection and other systems (e.g., mental health and juvenile justice) and remaining in out-of-home care may offset any fiscal gains from TANF caseload reductions.
- TANF may affect the ability of child welfare systems to meet permanency planning goals, particularly regarding family reunification.

On the face of it, the connection between the welfare law and issues relating to child welfare and child protection may not be immediately clear. This is so particularly since Congress made very few changes in existing federal child welfare legislation in the last session. However, further analysis suggests that the new welfare law may have significant impacts on state child welfare and child protection systems as well as individual vulnerable families.[3] Thus, some children and families not yet involved with the child welfare/child protection system may become so, either because loss of income means parents cannot provide for their children or because of their own vulnerabilities (e.g., experience with violence, substance abuse, mental illness, or child maltreatment). For example:

- ***Loss of income or supports related to TANF may result in an increase in families being unable to provide basic food and shelter for their children, causing neglect, and homelessness.***

  Families who cannot meet the work participation requirements specified in the legislation and consequently have their cash assistance reduced may be particularly vulnerable to child protection/child welfare involvement. Families reaching lifetime limits for assistance represent another. The federal law permits a five-year time limit. However, states can set shorter time limits as well, and many states are setting two-year time limits. Based on past experience,

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data suggests the impact of changes in welfare on child well-being, in some instances, may be dramatic. One study carried out by the Los Angeles County Department of Children and Family Services found that in 1991, in Los Angeles County, child abuse and neglect referrals jumped 12 percent following a 2.7 percent decrease in the state's AFDC grant and another 20 percent following AFDC cuts totaling 5.8 percent in 1992.[4]

- ***Increased stress on vulnerable families related to income loss and/or work requirements may lead to abuse and other forms of maltreatment.***

  Data show a clear relationship between child maltreatment and poverty. Most recently, for example, the National Incidence Study of Child Abuse and Neglect reported that children in families with incomes under $15,000 a year were 22 times as likely to experience maltreatment as children in families with incomes over $30,000.[5] Families already vulnerable by virtue of prior or current experience with substance abuse, domestic violence, or child maltreatment may be at special risk because of increased stress.

- ***Families losing SSI benefits for children with disabilities may no longer be able to maintain their children at home, and may seek, or be forced to seek, placement through child welfare.***

  P.L. 104-193 mandates changes in eligibility requirements for children now eligible for SSI. Estimates are that nationally, over 200,000 children will lose eligibility, with considerable state-by-state variation.[6] It is likely that some percentage of these children, particularly those with emotional and behavioral disorders, may have to enter placement either through child welfare, mental health, developmental disabilities, or juvenile justice systems. Past experience suggests that this may cost more than SSI payments and will cause great stress on the systems. Whether states modify the work requirements for families whose children have disabilities, especially single-parent families, may also have implications for the numbers of children with disabilities at risk of out-of-home placement.

Which children in each state are most vulnerable to involvement with the child welfare/child protection system under welfare changes?

- Children whose families are sanctioned
- Children whose families reach the time limits
- Children in families where economic hardship results in stress that leads to maltreatment
- Children no longer eligible for SSI
- Children of legal immigrants who lose other benefits
- Children whose parents are substance abusers (and have a criminal record)
- Children now in relative/kinship foster care
- Children in care where work requirements may interfere with visitation and reunification
- Youth "aging out" of the foster care system

- ***Families needing crisis intervention services may have less access to them unless states take explicit action to insure such services are available.***

  Under previous law, states used the Emergency Assistance funds to pay for crisis intervention and family preservation services. These funds have now been folded into the basic TANF block grant. States can choose to use part of the block grant for emergency assistance. However, this means that less money is available for other purposes. Moreover, for families accessing emergency services through the block grant, the time they receive emergency services will be counted in the lifetime limits for welfare benefits. (See accompanying chart for more details.)

Under previous law, states used the Emergency Assistance funds to pay for crisis intervention and family preservation services. These funds have now been folded into the basic TANF block grant.

Children already involved with child welfare/child protection systems are also likely to feel the impact of federal welfare changes.[7] For example:

- ***TANF may create new pressures on kinship foster care.***

  Kinship foster care has provided a way for relatives to care for children when parents cannot. But kinship foster care givers may themselves be receiving welfare, and therefore subject to time limits and work requirements. This in turn may affect their ability or willingness to continue to care for their relative's children.

- ***TANF may make efforts to meet family reunification permanency goals of the child welfare legislation more difficult.***

  In cases where there is a plan to reunify children in out-of-home placement with their families, TANF rules may be an impediment. They may make it difficult for parents to take time off from work to visit their children or to comply with child welfare requirements, such as appearing in court for case or administrative reviews. (This has already been reported in some states.)

- ***TANF may create new pressures on youth aging out of the foster care system.***

  Although the Independent Living Program under current child welfare laws is continued, what happens to youth aging out of the child welfare system who need services to help them become independent? The AFDC system gave states the option of providing assistance to youth up to age 19 if they were in education or training programs. However, there is no comparable provision in the new welfare law.

A Note on Legal Immigrant Families

Some families already involved with or who are at risk of becoming involved with the child welfare/child protection system are likely to be legal immigrant families. State-by-state concentrations of legal immigrant families affected by P.L. 104-193 vary, although exact numbers are difficult to obtain. Although legal immigrant children will still have access to child protection services, states with large immigrant populations will face particular challenges in protecting these children and in assessing the potential impact of welfare changes on child welfare/child protection systems.

What Can Be Done to Minimize Harm to Vulnerable Children and Families?

Analyze the Risks and Opportunities in the Law

The federal law gives states options in some key areas when formulating their welfare plans. Some options are likely to increase the pressures on vulnerable children and families. Others may reduce the potential harm and the likelihood of involvement with child welfare/child protection systems. Thus, states will have to make important choices about how to use federal dollars. Further, states will also have to decide how to use maintenance of effort (MOE) state dollars, as well as additional state dollars. This means there are new opportunities to link child welfare/child protection strategies to welfare changes in more planful ways. As a first step in the process, policymakers and advocates need to analyze the implications of the federal welfare law for the state's child welfare system. To help in this process, NCCP has prepared the accompanying chart[8] to:

- Highlight those provisions of P.L. 104-193 that have clear implications for vulnerable families, particularly with respect to involvement with child welfare/child protection systems.
- Identify policy choices that states have in implementing P.L. 104-193 and their implications for vulnerable populations.

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- Suggest strategies that states may adopt to reduce potential harm and improve outcomes for vulnerable children and families.

The chart can be used to help state planning groups and legislators examine the implications of welfare changes on vulnerable children and families and on child welfare and child protection systems, to guide dialogue between TANF and child welfare administrators, and to assist advocates seeking to ensure the best possible outcomes for children. It may also be helpful in stimulating ongoing dialogue at the community level and in developing accountability and tracking mechanisms to ensure that states have the capacity to determine how vulnerable children and families are affected by welfare changes.

What Can States Do?

- Create state and community forums to assess the implications of welfare changes on vulnerable children and families.
- Estimate the numbers of potentially vulnerable groups of children within the state.
- Choose options in TANF most likely to protect children from unnecessary involvement in the child welfare and child protection systems.
- Develop innovative, cost-effective ways to use child welfare dollars to protect children and promote permanency and family self-sufficiency consistent with welfare reform goals.
- Require reports to the legislature on the numbers of children entering child welfare/child protection systems as a result of welfare changes. Require that administrative agencies develop the capacity to provide such data.

Asking Questions, Getting Answers

Understanding the law is a first step. A second step is asking questions and getting answers about the scope of the challenge in each particular state. Answers will vary depending upon the demographics of the state as well as the particulars of the welfare and child welfare laws. Answers may come from holding hearings, forums, and focus groups to get input from consumers and community leaders, including judges, service providers, and state agencies (such as those involved with substance abuse, mental health, and domestic violence). States can also develop special planning groups and state leadership networks on children and welfare reform to focus on vulnerable children and families. Existing state administrative data and other data should be examined to determine what information is already available, particularly regarding child welfare, and how, in each state, it can be linked with welfare data.[9] Below are three sets of questions that may be particularly helpful to legislators, community leaders, policymakers, and advocates when considering the implications of the new welfare law on vulnerable families.

Who are the children most vulnerable to abuse, out-of-home placement, homelessness, and involvement with the child protection system as P.L. 104-193 is implemented?

- How many children in the state are likely to be affected by parents being sanctioned for failure to meet work requirements? What will happen to them? Will they need placement with relatives or in nonrelative foster care?
- How many children in the state will be affected by the changing definitions of SSI eligibility? Of these, how many children will no longer be able to remain at home? How many of these children are already in foster care? What will happen to them?
- How many legal immigrant children are likely to face hardship if parents lose access to food stamps and other benefits? How many will have to enter foster care?
- How many children will be denied benefits because their mothers and/or fathers have been convicted of drug-related offenses? What will the impact of loss of benefits be on these children?

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Understanding the law is a first step. A second step is asking questions and getting answers about the scope of the challenge in each particular state. Answers will vary depending upon the demographics of the state as well as the particulars of the welfare and child welfare laws.

- How many youths will be required to meet the work requirements immediately upon discharge from foster care? Will they have access to any transition services?
- How many teen parents will be unable to live safely at home?

What strategies are in place or need to be in place to minimize harm to children and to prevent needless out-of-home placement?

- How will the state protect children from extreme poverty and hardship when parents are sanctioned or reach time limits?
- How will reunification services be organized so families meeting work requirements can participate in case reviews and in reunification services? If a parent misses a chance to visit with his or her child in foster care because of welfare requirements, what will happen?
- How will the state determine whether it is safe for teenage parents to live with their own families?
- How will the state pay for emergency services and/or provide flexible dollars to families, for example, for rent security deposits, when children are returning from foster care?
- How will work requirements and other changes in welfare laws affect grandparents and other relatives caring for children? Will they have to work? Will they be subject to sanctions if they don't?
- How will the state ensure that relative caregivers who have reached time limits have the resources to care for children placed in their custody?

How will states know what happens to the most vulnerable children as welfare changes are being implemented?

- How will the state know how many children will have to be removed from their homes because of homelessness, child abuse, or other problems related to the loss of benefits, sanctioning, or exceeded time limits?
- How will the state know the fiscal impact on the foster care system? On juvenile justice facilities? On mental health facilities?

Conclusion

As states make decisions about welfare reform, much attention is being directed to issues such as work requirements, child care, and transportation. This issue brief makes clear, however, that it is equally critical for states to focus attention on the most vulnerable families—those at risk of or already involved with the child welfare/child protection system.

A Framework to Analyze the Implications of the New Welfare Law for Child Welfare/Child Protection Systems*

Issue	Provisions in P.L. 104-193	Implications for Vulnerable Families	State Strategies
Planning for vulnerable families	States must submit a state plan to the Department of Health and Human Services (HHS) by July 1, 1997. For most states, funding will be based on state levels of spending on Aid for Families with Dependent Children (AFDC), Job Opportunities and Basic Skills (JOBS) and Emergency Assistance (EA) programs in recent years. A summary of the plan must be made available to the public and the plan itself must include assurances that local governments and private-sector organizations have been consulted to ensure that the plan is "appropriate to local populations." There is no explicit requirement that the states address vulnerable populations.	States may not think about vulnerable families as a priority population when developing their state plans. However, even if there are no federal requirements to address vulnerable families, it is in the state's interest to do so.	▪ Even if the state plan has been certified by HHS, states can create a vehicle to examine in depth the implications of P.L. 104-193 for vulnerable populations. ▪ States can make sure that policymakers and practitioners involved with families affected by substance abuse and/or domestic violence, or involved with child protective, child welfare, or child mental health systems, as well as the families themselves, participate in the planning and implementation of welfare changes.
Cash assistance to families with children will be capped and block granted	Effective October 1, 1996, the new welfare law ends cash entitlement to poor families with children. As of that date, no individual or family is entitled by federal law to receive welfare help. States will receive a capped block grant that is set at $16.4 billion nationally and will not increase between fiscal years 1997 and 2002. There is a $2 billion contingency fund for recessions and economic downturn. There are bonuses for high-performing states (those that dramatically reduce rolls) and those that demonstrate a decrease in out-of-wedlock births. Also, states that have high rates of population growth and low amounts of federal spending on the poor may get supplemental grants. Low-interest loans are also available to states.	If a state's block grant allocation is insufficient to meet its need, needy families may go without any cash assistance, especially during times of economic recession. Under the worst-case scenario, this will increase numbers of neglected, abused, homeless, and abandoned children. The amount set as the contingency fund would have covered only one-third of the increase in AFDC caseloads fueled by recessions in the early 1990s.	▪ States can do a careful assessment of the numbers and types of vulnerable families likely to be affected by P.L. 104-193, particularly as a result of loss of income. ▪ States can commit to serve all families in need, supplementing federal funding with state and local funding as necessary. ▪ States can educate those involved in providing services to children and families (social service programs, health services, city/state human resources, etc.) on the changes in the welfare law that can affect children at risk of entering or already in the child welfare/child protective services system.

* See the accompanying glossary on pp. 17–18 for a fuller explanation of the programs referred to in this chart.

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A Framework to Analyze the Implications of the New Welfare Law for Child Welfare/Child Protection Systems

Issue	Provisions in P.L. 104-193	Implications for Vulnerable Families	State Strategies
Lifetime limits	TANF benefits may be provided for no longer than a lifetime limit of five years. However, a state may establish a time limit on receipt of TANF benefits of less than five years. A state may also exempt 20% of its average monthly case load due to hardship or if the family includes an individual who has been battered or subject to extreme cruelty.	Some children in families reaching federal or state time limits are likely to be at risk of out-of-home placement. (A number of states were experimenting with shorter lifetime limits under their welfare waivers, and have decided to continue these time limits.) Loss of income may cause homelessness, and other pressures on families, resulting in placement.	▪ States can keep the five-year limit and not exercise option for shorter limits. ▪ To keep children and families together, states can ensure that families have access to vouchers or other supports if they reach time limits. ▪ States can give child-only grants to vulnerable children whose families reach lifetime limits. ▪ States can use the hardship exemption from time limits for children exposed to domestic violence where imposing limits would create greater risk. ▪ States can consider families with children at risk of out-of-home placement due to lost cash assistance as meeting hardship criteria and exempt parents from time limits while providing additional supportive services. ▪ States can cross-train welfare and child protective services staff in identifying children at risk of abuse due to loss of benefits.
Families in need of Emergency Assistance (EA) or other support for temporary crises	The new welfare law merges AFDC, JOBS, and EA into one TANF block grant. A state can transfer up to 10% of its TANF dollars to SSBG. The SSBG dollars do not count against time limits and must be used for families with incomes below 200% of federal poverty guidelines.	States can choose to use TANF dollars for EA services such as family support and crisis intervention. However, this will reduce funds for cash assistance. Also, the time receiving crisis services is counted in the five-year lifetime limit if funding is not transferred out of TANF, and family members are subject to work requirements even if the family is not receiving regular cash assistance.	▪ States can use TANF dollars transferred to SSBG for emergency assistance. Such funds are not subject to the five-year time limit provision. ▪ States can allocate state dollars for emergency assistance purposes. ▪ States can use SSBG dollars for noncash vouchers to families at risk of involvement in the child welfare/child protection system due to sanctions or time limits.

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A Framework to Analyze the Implications of the New Welfare Law for Child Welfare/Child Protection Systems

Issue	Provisions in P.L. 104-193	Implications for Vulnerable Families	State Strategies
Work requirements for single and two-parent families	Single-parent TANF recipients are required to work at least 20 hours per week in the first year, increasing to 30 hours by fiscal year 2000. In two-parent families, at least one parent must work 35 hours per week, and the second parent is required to work 20 hours if the family receives federally-funded child care, unless one parent is disabled or caring for a severely disabled child. Single parents of children under age six who cannot find child care cannot be penalized for failure to meet work requirements, but they will still be subject to time limits. Individuals who receive cash assistance for two months and are not working or are not exempt from work requirements are required to participate in community service, with the hours and tasks to be determined by the state. States can exempt single parents with children under age one from work requirements and disregard these individuals when calculating participation rates for up to 12 months.	It is very difficult to know what kind of risk this poses. One possibility is increased stress on families resulting in child abuse. Also of concern is the possibility of children left in harmful child care (or without any child care). If there is not adequate subsidized child care in place, states also run the risk of having children left alone or in substandard care while parents perform community service. Although not explicitly stated in P.L. 104-193, it is implied that families with children over age six can be penalized for failure to meet work requirements even if child care is unavailable.	▪ States can opt to exempt single parents with children under age one from work requirements. ▪ States can ensure that quality child care is available for all parents who must work. In addition, if states plan to use TANF for child care without transferring it to the Child Care and Development Block Grant (CCDBG), states should ensure that the care is subject to the state's minimum health and safety requirements. ▪ States may opt out of the community work or service provision. ▪ States can allow child-only grants even if adults are sanctioned or reach time limits. ▪ States can use state dollars to provide assistance to children whose families fail to meet work requirements.
Families denied TANF assistance while child is in placement	P.L. 104-193 denies assistance to families if a minor child is absent or expected to be absent from the home for 45 consecutive days. States have the option of providing assistance if the minor child is out of the home for longer periods (no more than 180 days).	When the permanency goal for a child in out-of-home placement is reunification with parent(s), this goal may not be reached if parents lose access to TANF because of the child's absence (even if they are meeting work requirements).	▪ States can provide assistance if the minor child is out of the home up to 180 days. ▪ States can establish imminent reunification as a good cause exception to the 45-day limit in the state welfare plan. ▪ States can establish a plan for early start-up of cash assistance if a child is returning from placement.

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A Framework to Analyze the Implications of the New Welfare Law for Child Welfare/Child Protection Systems

Issue	Provisions in P.L. 104-193	Implications for Vulnerable Families	State Strategies
Families with qualified legal immigrant status	Food stamps and SSI are denied to qualified legal immigrants, lawfully admitted for permanent residence, at their scheduled time for recertification. At the option of the state, qualified legal immigrants living in the U.S. prior to August 22, 1996, may be denied TANF cash assistance, Medicaid, child care, and services provided by the Social Services Block Grant (SSBG). States also can deny benefits from any state means-tested program. Immigrants arriving after August 22, 1996, are denied these benefits for their first five years in the country. Legal immigrants will continue to be eligible for benefits until January 1, 1997. By March 31, 1997, the commissioner of Social Security will notify the affected immigrant of discontinuance of benefits. States can use state dollars spent on legal immigrants toward their Maintenance of Effort (MOE) required under P.L. 104-193. Veterans with an honorable discharge, those on active military duty, and qualified legal immigrants who have worked in the United States for 40 quarters (10 years) are exempt from this provision. Refugees, asylees, and those with their deportation being withheld, have a time-limited exemption of up to five years after their entry into the U.S., grant of asylum, or date of deportation withholding.	For many poor working families (legal immigrants or otherwise), food stamps are the sole means of providing a nutritious meal to their children. It appears that immigrant children will continue to be eligible for most child welfare and mental health services, including crisis counseling and intervention programs; short-term shelter or housing assistance for the homeless, victims of domestic violence, or runaway and abused children; heating and other weather-related assistance; community nutrition programs (i.e., food banks, soup kitchens, and meals-on-wheels); and activities to protect the life and safety of workers.[10]	■ States can keep the option to provide Medicaid, cash assistance through TANF, and SSBG services to legal immigrant children if they include that option in their state plan. ■ States can maintain eligibility for legal immigrants under their own means-tested programs. ■ States can extend the period of food stamp eligibility by one year by obtaining federal permission to extend the Food Stamp reconsideration period for legal immigrants until August 22, 1997. Legal immigrants may then have more time to pursue citizenship. ■ States can opt to use state dollars spent on legal immigrants toward their Maintenance of Effort (MOE) required under P.L. 104-193. ■ States can ensure that legal immigrant families have access to the help of child protective services and child welfare systems and that child welfare agencies track what happens to those who lose benefits. ■ States with large legal immigrant populations can establish specific strategies to protect legal immigrant children from endangerment or inappropriately entering placement.

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A Framework to Analyze the Implications of the New Welfare Law for Child Welfare/Child Protection Systems

Issue	Provisions in P.L. 104-193	Implications for Vulnerable Families	State Strategies
Changes in Supplemental Security Income (SSI) rules[11]	The new law limits the eligibility criteria of disability for children to a medically determined impairment resulting in severe functional limitations that is expected to last for at least 12 months or can result in death. The Individualized Functional Assessment (IFA) can no longer be used to determine a child's SSI eligibility. All children who qualified for SSI on the basis of an IFA must be scheduled for redetermination. The Social Security Administration (SSA) has until August 22, 1997, to complete the redeterminations. P.L. 104-193 instructs the SSA to remove references to "maladaptive behavior" as a criteria for evaluating personal/behavioral functioning in children with mental disabilities, although it may still be counted in evaluating social functioning. These provisions will apply to new claims filed.	The Congressional Budget Office (CBO) estimates that 267,000 children will lose SSI benefits over the next six years due to the elimination of the IFA. Some proportion of these children are already in the child welfare system; others will be at greater risk of being placed. According to the CBO, approximately 48,000 children previously diagnosed with "maladaptive behaviors" in personal/behavioral functioning will lose benefits. These are children with serious emotional or behavioral problems. They represent a potentially great cost burden to the child welfare system, and are most likely to be placed in high-cost residential treatment and/or psychiatric hospitals. Some children may lose Medicaid benefits and/or may not qualify for adoption assistance if they no longer qualify for SSI.	▪ States can begin now to identify children (whether they are in their own homes or in foster care) at risk of losing SSI benefits. ▪ States should consider allocating state funds to cover children who lose SSI benefits as a result of new definitions of eligibility and provide supports to help families maintain children with disabilities in their own homes. ▪ States should consider developing a mechanism to track the numbers of children who lose SSI benefits and actually enter into the child welfare system. ▪ States should consider the implications of the linkage of SSI eligibility to adoption assistance in determining children's eligibility at redetermination.
Families involved with domestic violence	The states have been given the option to create standards to screen for and identify individuals receiving assistance who have a history of domestic violence and to refer such individuals to counseling and supportive services. Further, the state may waive time limits, residency requirements, child support cooperation, and family cap provisions if enforcing compliance would make it more difficult for victims to escape domestic violence or if it will put them at further risk of domestic violence. Unless there is good cause to waive cooperation, parents who refuse to cooperate with paternity establishment may lose 25–100% of cash benefits.	This is an opportunity for preventive interventions consistent with the family preservation and support principles of federal child welfare legislation. It also represents an opportunity to link the domestic violence service providers with the child protection system. However, if states fail to take advantage of this, it may mean more harm to children and women and more children entering placement. Families who refuse to cooperate with paternity establishment without good cause may be sanctioned or may lose benefits entirely.	▪ States can certify in their state plan that they will exercise the option to create standards and procedures to screen for domestic violence and refer individuals to services. ▪ States can increase cross-training and policy links between agencies involved with domestic violence, child protective services, and welfare. ▪ States can ensure that good-cause exceptions to paternity establishment or enforcing child support orders include attention to domestic violence.

A Framework to Analyze the Implications of the New Welfare Law for Child Welfare/Child Protection Systems

Issue	Provisions in P.L. 104-193	Implications for Vulnerable Families	State Strategies
Prohibition of benefits to convicted drug felons and sanctioning those testing positive in drug screening	States are prohibited from giving TANF and food stamps to persons convicted of drug-related felonies after August 22, 1996. New TANF applicants are required to disclose their conviction record at time of application. States can opt out of this provision by specifying in a state law, enacted after August 22, 1996, that the state will exempt individuals from the provision. States are allowed to pass legislation to limit the period of prohibition on benefits to the time it takes the person to receive treatment for the addiction or time spent in rehabilitation. States are allowed to test TANF recipients for drug use and to sanction them if drug use is determined.	Many families involved with the child welfare and child protective services systems are involved with substance use, whether or not criminal charges have been filed.	▪ States can opt not to sanction those testing positive for drug use. States can pass legislation to provide full benefits to convicted drug offenders while in treatment or provide more limited benefits during drug treatment. ▪ States can educate those in their legal system (prosecutors, those who represent children or parents, judges, etc.) on the changes in the welfare law that can affect children at risk of being placed or already in the child welfare/child protective services system. ▪ States can assess the number of children likely to be affected by this provision. ▪ States can increase treatment services to women and children, including those convicted of felonies.
Children cared for by relatives	States are allowed but not obligated to give cash assistance under TANF to caretaker relatives of minor children. If states do choose to give cash assistance to caretaker relatives, time limits and sanctions apply. At the same time, under Title IV-E, the law provides that states should consider giving preference to an adult relative over a nonrelative caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant state child protection standards.	If relative caregivers receiving cash assistance are subject to work sanctions and time limits, they may be less able to care for children.	▪ States can maintain the option to provide benefits to caretaker relatives. ▪ States can allow child-only grants even if adults are sanctioned or reach time limits. ▪ States should consider exempting grandparents or disabled caretakers from time limits if the child will be placed in imminent danger of abuse, neglect, or foster care placement if returned to his/her parent(s).

A Framework to Analyze the Implications of the New Welfare Law for Child Welfare/Child Protection Systems

Issue	Provisions in P.L. 104-193	Implications for Vulnerable Families	State Strategies
Children living with a minor parent	With some exceptions, unmarried parents under the age of 18 must live at home or in an adult-supervised home to receive cash assistance under TANF.	If a minor parent lives in a home where there is an abusive adult, this may put both the minor parent and her child at risk of abuse. Determining whether or not a minor parent is in an abusive situation is essential.	▪ The welfare office and the child protective office in the state can work closely together to collaboratively determine when a minor parent is at risk in a home. ▪ States can establish a network of supportive adult-supervised homes.
Youth "aging out" of foster care to independent living	States cannot use TANF block grant funds to provide assistance to a family unless the family includes a minor child (under age 18) or a pregnant individual. (Under the previous law, families with a youth aged 18 or 19 who was still in secondary school or in the equivalent level vocational or technical training could receive cash assistance at state option.)	Youth leaving foster care may not be able to find jobs to support themselves immediately and thus may become homeless or have to resort to underground activity to support themselves.	▪ States can use SSBG, transitional living, or state dollars to offer time-limited assistance to youth to help those who need support in their transition from foster care to adult life.
Reimbursement to for-profit foster care settings	Title IV-E, foster care maintenance payments can be paid to for-profit child care institutions to provide foster care services.	For-profit foster care services may reduce, increase, or have no effect on a service provider's commitment to quality.	▪ States can opt not to fund for-profit providers if they believe there will be a negative effect. ▪ States can develop community-based foster care as small businesses if they anticipate a positive effect. ▪ In either case, states can ensure their monitoring systems assess child well-being and meet the permanency goals for for-profit as well as non-profit foster care providers.

A Framework to Analyze the Implications of the New Welfare Law for Child Welfare/Child Protection Systems*

Issue	Provisions in P.L. 104-193	Implications for Vulnerable Families	State Strategies
"Family caps" and other provisions that adjust cash assistance to modify behavior	The Act does not specifically address many provisions that were included in states' previous welfare experiments, including family caps, which limit benefits to families having additional children while on cash assistance, and other state provisions that adjust benefits up or down to modify behavior around such issues as teen pregnancy, child immunization, school attendance, and out-of-wedlock births. States with approved welfare waivers under Section 1115 of the Social Security Act are permitted to continue their demonstrations in the geographic areas, with the specified program features, and to the approved end date for which the waiver was originally granted. States can request to end their waiver demonstration programs within 90 days of the adjournment of the first regular session of the state legislature after the enactment of P.L. 104-193. The five states with the most significant reduction in out-of-wedlock births will receive a $20 million bonus.	Under their welfare waiver demonstration programs, some states were experimenting with family caps, which were presumed to decrease the number of out-of-wedlock births and discourage welfare recipients from having additional children to increase their benefits. There is no clear indication that family caps encourage recipients to leave welfare rolls or decrease out-of-wedlock births. However, limiting assistance for some families may increase stress, thus increasing the likelihood of neglect and abuse.	▪ States can opt not to have a family cap. ▪ States can opt not to sanction parents for their children's absenteeism. ▪ States can evaluate the impact of provisions that claim to modify recipients' behaviors. ▪ States can request to end waiver demonstrations that have not shown any success in modifying recipients' behaviors. ▪ States can investigate less punitive methods of promoting parent responsibility and positive behaviors.

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* This chart has been reviewed and enriched by members of NCCP's Leadership Network on Children and Welfare Reform, although final responsibility for its content rests solely with NCCP.

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6. See Bazelon Center for Mental Health Law. (1996). *State-by-state analysis of changes in children's SSI program*. Washington, DC: Judge David L. Bazelon Center for Mental Health Law. (Also available in the welfare reform forum of Handsnet, the electronic bulletin board for social services groups.)

7. See Children's Defense Fund. (August 8, 1996). The implications of the welfare act for child protection. In *Summary of the welfare bill*. Washington, DC: Children's Defense Fund.

8. The chart has been reviewed and enriched by members of NCCP's Leadership Network on Children and Welfare Reform, although final responsibility for its content rests solely with NCCP.

9. For the latest National Child Abuse and Neglect Data System (NCANDS) information from the U.S. Department of Health and Human Services, National Center on Child Abuse and Neglect, see: National Center on Child Abuse and Neglect. (1995). *Child Maltreatment 1994: Reports from the States to the National Center on Child Abuse and Neglect*. Washington, DC: U.S. Department of Health and Human Services, National Center on Child Abuse and Neglect. NCANDS is a voluntary, national data collection and analysis program that was developed through a state and federal partnership. The data represent the most complete and up-to-date information on child abuse and neglect available from state child protection services. However, NCANDS data may not be available to states for immediate trend analysis (1994 NCANDS data are only now available).

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Glossary

Note: The terms described below are frequently used in the issue brief series when discussing welfare changes in states and communities. Not all terms appear in each issue brief.

AFDC—Aid to Families with Dependent Children
Aid to Dependent Children (ADC), established by the Social Security Act of 1935, was a cash grant program enabling states to assist children who had no fathers and were in need. It was renamed Aid to Families with Dependent Children (AFDC) in 1965. This program provided public assistance for children in need and their mothers or other caregiver relatives in all 50 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. Children were eligible if they had been deprived of parental support or care because their single mother or father was either continuously absent from home, incapacitated, unemployed, or deceased. Changes in 1988 mandated federal cash supplements to two-parent households in which one parent's unemployment created such a need. The entitlements to cash assistance for low-income families and individuals under the AFDC program ended with the enactment of P.L. 104-193 on August 22, 1996.

CCDBG—Child Care and Development Block Grant
Authorized in 1990 and reauthorized with the passage of P.L. 104-193 in August 1996, the Child Care and Development Block Grant Program to the states is to be used specifically for child care services for low-income families with children ages 0–13, and generally to improve child care supply and quality, early childhood development activities, and before- and after-school child care services.

Child Care Disregard
Federal law required states to disregard certain earned income that went toward child care expenses when determining a family's AFDC or food stamps benefit level. The maximum amount that was disregarded for child care was $175 per month per child ($200 for children under age two).

EA—Emergency Assistance Program
The Emergency Assistance Program, along with AFDC comprised Title IV-A of the Social Security Act. EA provided 50 percent federal matching funds to states for emergency assistance to families with children facing destitution or homelessness for a 30 consecutive-day period in any one year. The EA program was eliminated with the passage of P.L. 104-193 in August 1996.

EITC—Earned Income Tax Credit
The Earned Income Tax Credit is a refundable tax credit available to low-income workers. If the amount of the credit exceeds tax liability, the excess is payable directly to the taxpayer. For the 1997 tax year, the maximum credit a family can receive is $3,656 for those with incomes between $9,140 and $11,930. The credit will phase out at $29,290 for families with more than one child.

Family Cap
The "family cap" concept refers to some state welfare provisions that stipulate welfare funds may not be used to provide additional cash benefits for a child conceived while a family is receiving welfare benefits. P.L. 104-193 omits this provision, giving states the option to continue such experiments.

Food Stamps
This federally funded program is designed to provide low-income households with sufficient food purchasing power to sustain a nutritionally adequate diet. The cost of this minimal diet is based on the Department of Agriculture's computation of the "Thrifty Food Plan." The Food Stamp Program is designed to provide food purchasing power equal to the difference between the cost of this food plan and 30 percent of the income of the household. P.L. 104-193 eliminates most food stamp benefits to legal aliens and sets more strict income, age, employment, and training guidelines for recipients.

FSA—Family Support Act of 1988
This federal welfare reform legislation changed the AFDC and Child Support Enforcement programs. Since the FSA amended the AFDC program, its major provisions were eliminated with the passage of P.L 104-193 in August 1996. The FSA created a program of education, training, and other work-related services for AFDC recipients and mandated the AFDC-UP program (AFDC for two-parent families) in all states. It strengthened the Child Support Enforcement program requirements for automatic wage withholding of child support, use of state child support guidelines, and the establishment of paternity. In addition, for families leaving AFDC because of increased earnings or loss of the earnings "disregards," (see Child Care Disregard above) the act extended Medicaid coverage to 12 months and established transitional child care assistance (see TCC below) for 12 months.

GA—General Assistance
General Assistance refers to various state-funded cash assistance programs that provide benefits to non-elderly impoverished adults without dependent children. A 1996 Urban Institute survey revealed that of the 41 states and the District of Columbia with GA programs, 32 states have programs that cover the whole state, while 12 states have GA programs in only a portion of the state. Only 12 of the states with a GA program provide financial benefits to all needy adults, and four of the states provide assistance to able-bodied adults.

Head Start
A federal program, begun in 1965, that provides educational, social, nutritional, and medical services to low-income preschool children, ages 0–5. Children from low-income families fill 90 percent of the program slots, with 10 percent reserved foßr children with disabilities. The program is overseen by the Head Start Bureau in the U.S. Department of Health and Human Services, but administered by individual Head Start agencies at the local level. Head Start emphasizes involving parents as volunteers and as paid Head Start staff members.

IFA—Individualized Functional Assessment
Individualized Functional Assessment is a process used to determine whether a child can engage in "age-appropriate" activities effectively. It was used to assess individuals with disabilities applying for SSI whose impairments did not meet or equal the "Listing of Impairments" in federal SSI program provisions. The IFA process for assessing SSI eligibility ended with the implementation of P.L. 104-193 and was replaced by more restrictive medical listings.

JOBS—Job Opportunities and Basic Skills Training Program
This program, established under the Family Support Act (FSA) of 1988, and eliminated with the passage of P.L. 104-193, required states to educate, train, and employ welfare families. This program

18
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replaced the Work Incentive (WIN) program and consolidated other welfare-to-work provisions, such as the Job Training Partnership Act (JTPA). The FSA mandated that AFDC parents with children ages three and older participate in JOBS or approved employment and training activities. Parents with children under age six were required to participate for 20 hours per week.

MCHSBG—Maternal and Child Health Services Block Grant
The Maternal and Child Health Services Block Grant is a federal block grant program, authorized under Title V of the Social Security Act. It provides funds to states for health services to pregnant women, infants, children, and adolescents. States determine which services they provide, which can include prenatal care, well-child clinics, immunizations, dental care, family planning, and a wide range of inpatient and outpatient services for children with special health care needs.

Means-Tested Program
Any one of a number of federal, state, or local programs based on the determination of need (measured in cash, income, and non-cash assets) by an individual and/or family for cash and/or non-cash assistance. Means-tested programs funded by the federal government include the Food Stamp Program, housing assistance, SSI, school lunch and breakfast programs, EITC, and Medicaid.

MOE—Maintenance of Effort
Maintenance of Effort under the new welfare law requires that a state maintain a certain percentage of its historic level of spending on specified programs (usually 75 percent of what the state spent in fiscal year 1994 on AFDC, JOBS, EA, and AFDC-linked child care) or they risk losing a proportion of TANF funds. State spending that can count as MOE includes spending on families eligible for family assistance benefits or on families otherwise eligible if not for their alien status or reaching time limits.

P.L. 104-193—The Personal Responsibility and Work Opportunity Reconciliation Act of 1996
The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) became law on August 22, 1996. It replaces the AFDC, EA, and JOBS programs with the TANF block grant. P.L. 104-193 also denies SSI and food stamps to legal immigrants, changes the eligibility requirements for SSI, increases state and federal monitoring requirements for child support enforcement, and provides cash incentives to states to help decrease the number of out-of-wedlock births. TANF also reauthorizes CCDBG.

Qualified Aliens
Also called qualified legal immigrants, qualified aliens are restricted from receiving federal funds from means-tested federal programs under provisions of P.L. 104-193, including SSI and food stamps. Qualified aliens are permanent resident aliens, those granted refugee or asylum status, those paroled into the United States for a period of at least one year, and aliens whose deportation is being withheld. However, states have the option to provide funds to qualified aliens from their own programs or Medicaid. Upon becoming citizens, all former aliens qualify for benefits on the same basis as other citizens.

SSBG—Social Services Block Grant
Social Services Block Grant Program, Title XX of the Social Security Act, provides block grant funds to states to carry out a wide range of social welfare policy. Funds may be spent on services, training, and administration. States have wide leeway in program spending. P.L. 104-193 contains provisions that limit the use of SSBG funds to families with incomes below 200% of federal poverty guidelines, and prevent SSBG dollars from counting against time limits. States maintain the option to use SSBG funds for qualified legal immigrants, and for time-limited assistance to youth transitioning from foster care to adult life. Ten percent of TANF funds can be transferred to SSBG.

SSI—Supplemental Security Income
The Supplemental Security Income program was originally authorized by Title XVI of the Social Security Act and is a means-tested, federally administered income assistance program for children and adults with disabilities. P.L. 104-193 redefines eligibility for SSI for children with disabilities to eliminate maladaptive behavior as a qualifying medical impairment. Under the new definition, a child must have a medically determinable physical or mental impairment which results in marked and severe functional limitation which can be expected to last for at least 12 months or can result in death.

TANF—Temporary Assistance to Needy Families
Temporary Assistance to Needy Families Block Grant, one of two block grants created by P.L. 104-193, eliminates the federal entitlement to welfare benefits for needy families, and gives most states a grant of funds, based on their welfare program spending in fiscal year 1994, to administer their own welfare programs. TANF replaces the former welfare programs AFDC, EA, and JOBS, with fifty-state designed welfare programs that must be implemented by July 1, 1997. TANF funds place strict requirements on families receiving benefits, including five-year time limits for receiving cash benefits, strict work requirements for single and two-parent families, MOE criteria, limits on benefits to teenage parents, incentives to reduce the adolescent pregnancy rate, performance bonuses for rewarding work and reducing out-of-wedlock births, and limits on benefits to those convicted of drug-related crimes.

TCC—Transitional Child Care
The Transitional Child Care Assistance program was a federal, AFDC-linked child care subsidy program. It was eliminated with the passage of P.L. 104-193 in August 1996. It required states to guarantee up to 12 months of child care to a family who lost AFDC eligibility due to reasons related to employment.

Title IV-E—Foster Care, Adoption Assistance, and Independent Living Programs
These permanently authorized entitlement programs provide open-ended matching funds to states for the maintenance payments made for AFDC-eligible children in foster care family homes, private nonprofit child care facilities, or public child care institutions housing up to 25 people. P.L. 104-193 retained this entitlement along with the guarantee of Medicaid for eligible children, but made the following changes: Title IV-E funds can now go to for-profit agencies, the Independent Living Program is capped, and relatives are to be given preference over non-relative caregivers when placing children in foster care, providing that the relative caregiver meets state child protection standards.

WIC—The Special Supplemental Food Program for Women, Infants, and Children
The Special Supplemental Food Program for Women, Infants and Children provides nutritional screening and food assistance to low-income pregnant and postpartum women and their infants and children up to age five. Participants in the program must have incomes at or below 185 percent of the federal poverty line, and must be nutritionally at risk.

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How Welfare Reform Can Help or Hurt Children

Introduction

Recent federal welfare legislation, P.L. 104-193, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, can have a major impact on the health and development of young children living in poverty. Changes now being implemented in welfare policies and programs take many forms, but most of them have one thing in common—they are almost all driven by adult-focused goals. However, two-thirds of recipients of cash assistance are not adults, they are children. While policymakers and program directors often recognize this fact, there is very little information available to them about how to protect children and enhance their growth and development within the context of welfare reform.

Three Pathways by Which Changes in Welfare Can Affect Children's Growth and Development

A body of research on children and poverty provides a helpful framework to understand how welfare changes can affect children. State and federal welfare changes have the potential to help or hurt children in three major ways, all of which are somewhat interrelated:

By Changing Family Income

Welfare changes that leave families in poverty are unlikely to change children's prospects. Reforms that cause deeper and more persistent poverty will negatively affect children's growth and development. It seems likely that only welfare reform efforts that substantially increase the incomes of families on TANF will lead to better developmental outcomes for children.

By Affecting Parenting Behaviors and Parental Stress

Welfare reforms that increase parental stress or cause parents to be more harsh and punitive may have negative consequences for children. On the other hand, those policies that provide experiences and supports that strengthen parents' psychological resources could have positive consequences.

By Changing Children's Access to Services and/or the Quality of Services

Welfare changes that push children into low-quality child care or that limit their access to health care can have significant harmful effects on children. Conversely, welfare reform that enables families to obtain high-quality child care and continued or improved access to primary health care could have positive consequences for children. In addition, welfare changes that deprive families of needed social and service supports will only intensify the stressors that contribute to family disintegration.

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Lessons from Past Experience and Current Evaluations

Evaluations of past state welfare-to-work programs provide us with very little information about how previous welfare reforms affected children's growth and development. Instead they focused on economic impacts on families and cost savings to states. Information from current evaluations about the well-being of children is likely to be equally limited without additional efforts to focus at least some aspects of these evaluations on children's growth and development.

A few lessons, however, can be gleaned from past evaluations:

Lessons About Family Income

Although some evaluations indicate that *earnings* increased as a result of participation in welfare-to-work activities, family *income* improved only in states with relatively liberal rules allowing families to combine cash benefits with earnings.

Lessons About Parenting

Very little information is available about how welfare reform efforts affect parental stress and parenting styles. What is available often focuses on special populations, such as teen parents receiving welfare.

Lessons About Children's Services

The availability of supports, such as health care, and health insurance, and child care services, as well as parents' perceptions of their adequacy, affected parents' participation in welfare-to-work efforts. Virtually no evaluation measured how these supports affected *children* receiving them. Without child care subsidies and continued access to health insurance, families who leave welfare for work face the same barriers finding and maintaining adequate child care and health care as do other low-income working families.

Conclusion

State and local welfare reform efforts have the potential to affect children's growth and development significantly. A framework to assess the impact of welfare changes on family income, parental stress, and access to children's services can help clarify the potential trade-offs and policy options involved in formulating and implementing welfare reforms.

For research citations and additional information, please refer to Children and Welfare Reform Issue Brief 1: *How Welfare Reform Will Help or Hurt Children*. (1997). A. Collins and J. L. Aber. National Center for Children in Poverty.

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The New Welfare Law and Vulnerable Families: The Implications for Child Welfare/Child Protection Systems

Introduction

Recent federal welfare legislation, P.L. 104-193, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, can have a major impact on the health and development of young children living in poverty. This issue brief examines the potential impact of P.L. 104-193 on vulnerable families already in or at risk of entering the child welfare/child protection system. It includes an overview of the challenge states face, questions for state legislators, policymakers, and advocates to consider in developing and implementing their state welfare strategies, and a detailed analysis of the provisions of the federal law most likely to affect vulnerable children and families.

Why worry about the impact of welfare reform on child welfare and child protective services?

On the face of it, the connection between the welfare law and issues relating to child welfare and child protection may not be immediately clear. However, further analysis suggests that the new welfare law may, in fact, have significant impacts on state child welfare and child protections systems, as well as on individual vulnerable families. For example:

- Loss of income or supports related to Temporary Assistance to Needy Families (TANF) may result in an increase in families being unable to provide basic food and shelter for their children, causing neglect, homelessness, and/or abuse.
- Increased stress on vulnerable families related to income loss and/or work requirements may create family situations requiring intervention.
- Families losing Supplemental Security Income (SSI) benefits for children with disabilities may no longer be able to maintain their children at home, and may seek, or be forced to seek, placement through child welfare.
- Families needing crisis intervention services may have less access to them unless states take explicit action to insure such services are available.

Which children are most vulnerable to involvement with child welfare and child protective services under welfare reform?

Some special groups of children many of which are already involved with child welfare/ child protection systems, are particularly vulnerable to the impact of welfare reform, including:

- Children whose families are sanctioned;
- Children whose families reach the time limits;
- Children in families where economic hardship results in stress that leads to maltreatment;
- Children no longer eligible for SSI;

- Children of legal immigrants who lose other benefits;
- Children whose parents are substance abusers (and have a criminal record);
- Children now in relative or kinship foster care;
- Children in care where work requirements may interfere with visitation and reunification; and
- Youth "aging out" of the foster care system.

What can be done to minimize harm to vulnerable children and families?

Analyze the risks and opportunities in the law.*
The federal law gives states options in formulating their welfare plans. Thus states will have to make important choices about how to use federal, maintenance of effort (MOE) state dollars, and additional state dollars.

Ask questions, get the answers.
Understanding the law is a first step. A second step is asking questions and getting answers to understand the scope of the challenge in each particular state. Some questions that may be particularly helpful to policymakers and decisionmakers include:

- Who are the children most vulnerable to abuse, out-of-home placement, homelessness, and child protective services involvement as P.L. 104-193 is implemented?
- What strategies are in place or need to be in place to minimize harm to children and to prevent needless out-of-home placement?
- How will states know what happens to the most vulnerable children as welfare changes are being implemented?

Conclusion

As states make decisions about welfare reform, much attention is being directed to critical issues such as work requirements, child care, and transportation. This issue brief makes clear however, that it is equally critical for states to focus attention on the most vulnerable families, those at risk of or already involved with the child welfare/child protection system.

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* NCCP has prepared a chart to analyze the possible effects of the new welfare law on vulnerable populations in Issue Brief 3. The chart can be used to help state planning groups and legislatures examine the implications of welfare changes on vulnerable children and families and on child welfare and child protection systems.

For research citations and additional information, please refer to Children and Welfare Reform Issue Brief 3: *The New Welfare Law and Vulnerable Families: The Implications for Child Welfare/Child Protection Systems*. (1997) J. Knitzer and S. Bernard. 20 pp. National Center for Children in Poverty.

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